

# Employee Relations

## When You Have a Problem

It is your responsibility as an employee to work with supervisors and management to try to resolve any job-related problems before turning to outside sources for assistance. This way most concerns can be solved before they become problems.

In most cases, your supervisor may be a good source of reliable information on any matter that directly affects you. Supervisors can often correct a situation or provide advice on how to obtain relief.

Besides contacting your supervisor, you may also contact the Human Resource Management Group, the EEO Office, or the Director with any problem or concern.

The following processes and options are available to resolve problems:

## Appeals From Adverse Actions

Adverse actions are personnel actions unfavorable to an employee. They include removal, suspension for more than 14 days, reduction in grade or pay, and furlough for 30 days or less. A federal employee with competitive status, who has completed a one-year probationary period, or an employee in the excepted service, who is a preference eligible and has completed one year of current continuous employment in the same or similar position, has the right to appeal adverse actions to the Merit Systems Protection Board (MSPB).

The initial step in the procedure is to file a written appeal which clearly states the basis for appeal to the MSPB. If you are working full time when you file your appeal, you are entitled to a reasonable amount of official working time to prepare the appeal. You have the right to a hearing and to be represented by an attorney or other person.

When an adverse action is proposed, you will receive written notice of the action and specific information on procedures and your appeal rights.

NOTE: In addition to adverse actions, employees can also appeal directly to MSPB such actions as performance-based removals or reductions in grade, denials of within-grade salary increases, reduction-in-force actions, and denials of restoration or re-employment rights.

## Special Counsel To the MSPB

The Civil Service Reform Act of 1978 set forth basic merit principles to govern all personnel practices in the Federal government, and prohibited certain practices. It also established the Office of the Special Counsel of the MSPB. With the passage of the Whistleblower Protection Act of 1989, the primary role of the Special Counsel is to protect employees, former employees, and applicants for employment from prohibited personnel practices, especially reprisal for whistleblowing. The Act provides for appeal rights before the MSPB after procedures are exhausted before the Special Counsel.

## **Prohibited personnel practices are:**

- P** Discrimination on the basis of race, color, religion, sex, national origin, age, handicapping condition, marital status, or political affiliation.
- P** Soliciting and considering employment recommendations based on factors other than personal knowledge or records of job related abilities or characteristics.
- P** Deceiving or willfully obstructing any person from competing for employment.
- P** Influencing any person to withdraw from competition for any position in order to improve or injure the employment prospects of any other person.
- P** Giving unauthorized preference or advantage to any person to improve or injure the employment prospects of any employee or applicant.
- P** Discriminating on the basis of personal conduct which does not adversely affect the job performance of the employee, applicant, or others.
- P** Taking or failing to take a personnel action violating any law, rule, or regulation implementing or directly concerning the 5 U.S.C. §2301 merit system principles.
- P** Coercing the political activity of any person.
- P** Engaging in nepotism.
- P** Taking reprisal against a whistleblower.
- P** Taking reprisal against an employee for exercise of an appeal right.

Any employee who has knowledge of prohibited action taking place has the right to report it to the Office of the Special Counsel. OSC telephone numbers are:

Complaints Examining Unit (202) 653-7188

Whistleblower Hotline (202) 653-9125 or (800) 872-9855

## **Grievance System**

A grievance is a request by an employee or a group of employees, acting as individuals, for personal relief in situations related to employment which are subject to the control of agency management. Grievances may arise out such matters as working conditions and relationships with supervisors, other employees, and officials. They also include allegations of coercion, reprisal, or retaliation.

Matters not covered by the grievance system include non-selection for promotion from a group of properly ranked and certified candidates, adverse actions, performance awards, and merit pay determinations. Grievances are handled entirely within the Bureau or Department and are not appealable to the Office of Personnel Management.

The first step an employee should take is to present the concern to their supervisor. The supervisor must act to resolve the grievance informally.

If the supervisor is unable to resolve the grievance, it goes to the formal procedure where decisions are made by a higher administrative official. If this official cannot resolve the grievance, it would be referred for decision to an examiner, generally from the Department.

The BLM grievance procedures are set forth in BLM Manual, Chapter 1400-771.

## Discrimination Complaints System

The EEO complaints process is designed to help eliminate barriers to equality of opportunity in all aspects of federal employment. The system has been established for those who feel they have been discriminated against because of race, color, religion, sex, national origin, age, or physical or mental handicap.

The procedures place strong emphasis on reaching informal settlements. If you believe you have been discriminated against, you must first contact an EEO Counselor or the EEO Office within 45 calendar days of the alleged discriminatory action. The names of the EEO Counselors and other EEO officials are posted on bulletin boards throughout the Fire Center and on this web page.

## Office of the Inspector General

The primary mission of the Department of the Interior's Office of the Inspector General (OIG) is the prevention and detection of fraud, waste, and mismanagement which results in the loss of Department of the Interior funds. To make it easy for you to report fraud, waste or mismanagement, the OIG has a 24-hour telephone Hotline recording service which may be reached at (800) 424-5081 or (202) 208-5300. Written documents may be mailed to a special post office box: U.S. Department of the Interior, Office of the Inspector General, Mail Stop 5339-MIB, 1849 C Street, N.W., Washington DC 20240. Hotline complaints can be made online at the OIG website at **[www.oig.doi.gov](http://www.oig.doi.gov)**

All information will be handled confidentially, and you may report matters anonymously, if you fear reprisal.

Contacting the Office of the Inspector General does not affect existing procedures for resolving employee grievances, EEO complaints, Merit Systems Protection Board personnel matters, or other personal concerns.

## U.S. Senators and Representatives

Employees always have the right to correspond with and contact U.S. Senators and Representatives about any matters of concern.